



**BUILDING & PLANNING  
SERVICES DEPARTMENT**

**MEMORANDUM**

**TO:** The Honorable Mayor & City Council

**COPY TO:** Jim Martinez, Chief Administrative Officer  
Adrian Ocegueda, Executive Assistant to the Mayor  
Laura Uribarri, Executive Assistant to the Mayor  
Lisa A. Elizondo, City Attorney  
Theresa Cullen-Garney, Deputy City Attorney  
Irene D. Ramirez, Interim City Engineer  
Richarda D. Momsen, Municipal Clerk

**FROM:** Patricia D. Adaauto, Deputy City Manager for Building & Planning Services

**SUBJECT:** City Council Agenda Item, September 14, 2004 *Adaauto*

**DATE:** September 9, 2004

The following item has been scheduled for City Council action as noted above:

**That the Mayor is authorized to sign a First Amendment to an Agreement for Appraisal Services by and between the CITY OF EL PASO and RALPH SELLERS & ASSOCIATES for an appraisal to determine whether the proposed assessments by the City against abutting property owners for part of the costs of street improvements in the Kimberly Heights Subdivision in El Paso, El Paso County, Texas exceeds the value of the benefits of the improvements. (District 5)**

A staff briefing to City Council was given on August 31, 2004 regarding street and drainage improvements made by the City to the Kimberly Heights Subdivision in east El Paso. Due to a petition of property owners, the City has made the improvements and will be levying an assessment against the owners of lots within the subdivision to help defray the cost of the improvements. In order to follow the regulatory requirements, pursuant to the Texas Transportation Code, Title 6, Chapter 313 (Street Improvements & Assessments in Certain Municipalities), an appraisal to show the value of the benefits of the improvements is required. Upon City Council direction received, this amendment proposes to have Ralph Sellers & Associates conduct an appraisal as part of a new public hearing process that will be followed. A copy of the documentation is attached for your information. Should you require additional information, I may be contacted at 541-4853.

## RESOLUTION

**WHEREAS**, on June 13, 2000, the City of El Paso and Ralph Sellers & Associates for an appraisal to determine whether the proposed assessments by the City against abutting property owners for part of the costs of street improvements in the Kimberly Heights Subdivision in El Paso, El Paso County, Texas exceed the value of the benefits of the improvements, and

**WHEREAS**, because errors were discovered in the calculations used to determine the cost per lineal front foot, the El Paso City Council has directed staff to conduct a new public hearing process, and

**WHEREAS**, the City desires the Appraiser to update his report to reflect changes in the calculations for the cost per frontage foot and to provide testimony as to any special benefits conferred on the abutting properties as a result of street improvements,

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is authorized to sign a First Amendment to an Agreement for Appraisal Services by and between the City of El Paso and Ralph Sellers & Associates for an appraisal to determine whether the proposed assessments by the City against abutting property owners for part of the costs of street improvements in the Kimberly Heights Subdivision in El Paso, El Paso County, Texas exceeds the value of the benefits of the improvements.

ADOPTED this \_\_\_\_\_ day of September, 2004.

THE CITY OF EL PASO:

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

Theresa Cullen-Garney  
Theresa Cullen-Garney  
Deputy City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto  
Patricia D. Adauto, Deputy CAO  
for Building & Planning Services

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO    )                   **FIRST AMENDMENT TO  
AGREEMENT FOR APPRAISAL SERVICES**

This First Amendment is made this \_\_\_\_\_ of September, 2004, by and between the CITY OF EL PASO, a home rule municipal corporation, hereinafter referred to as the City and RALPH SELLERS & ASSOCIATES, hereinafter referred to as the Appraiser.

**WHEREAS**, on June 13, 2000, the City of El Paso and Ralph Sellers & Associates entered into an Agreement For Appraisal Services for an appraisal to determine whether the proposed assessments by the City against abutting property owners for part of the costs of street improvements in the Kimberly Heights Subdivision in El Paso, El Paso County, Texas exceed the value of the benefits of the improvements, (the Agreement), and

**WHEREAS**, because errors were discovered in the calculations used to determine the cost per lineal front foot, the El Paso City Council has directed staff to conduct a new public hearing process, and

**WHEREAS**, the City desires the Appraiser to update his previous report to reflect changes in the calculations for the cost per frontage foot and to provide testimony as to any special benefits conferred on the abutting properties as a result of street improvements,

**NOW, THEREFORE**, the parties hereto mutually agree as follows:

1. In accordance with Article 9, Changes, of the Agreement, the Owner hereby authorizes the Architect to update his submitted report to reflect changes in the City's revised calculations for the cost per frontage foot.
2. The Appraiser shall complete these additional services within five (5) calendar days after receiving the revised information from the City. In addition, the Appraiser will attend meetings with the property owners, if requested by the City, and will provide testimony about any special benefits conferred on the abutting properties as a result of the street improvements at a public hearing to be conducted by the El Paso City Council.
3. The Owner shall pay the Appraiser an amount not to exceed **TWO THOUSAND and NO/100 DOLLARS (\$2,000.00)** for the requested services performed under this amendment. Payment shall be contingent on the City's acceptance of the revised report and properly certified invoices. The Appraiser's fee proposal for the additional services is attached hereto as Exhibit "A".
4. All terms and conditions of the Agreement, except as herein revised, shall remain in full force and effect.

**WITNESS THE FOLLOWING SIGNATURES AND SEALS:**

OWNER: THE CITY OF EL PASO

ATTEST:

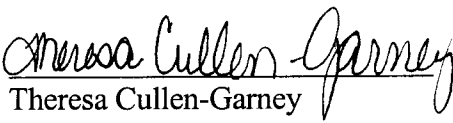
\_\_\_\_\_  
Joe Wardy, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk


RALPH SELLERS & ASSOCIATES

By:   
Curtis R. "Pete" Sellers

APPROVED AS TO FORM:

  
Theresa Cullen-Garney  
Deputy City Attorney

APPROVED AS TO CONTENT:

  
Patricia D. Adauto, Deputy CAO  
for Building & Planning Services

*(Acknowledgments on following page)*

## ACKNOWLEDGMENTS

[illegible]

This instrument was acknowledged before me on this \_\_\_\_\_ day of September, 2004,  
by \_\_\_\_\_, as **Mayor of the City of El Paso, Texas.**

**Notary Public, State of Texas**

**THE STATE OF TEXAS           )**

**COUNTY OF EL PASO         )**

This instrument was acknowledged before me on this \_\_\_\_\_ day of September, 2004, by Curtis R. "Pete" Sellers, as Principal of Ralph Sellers & Associates.

**Notary Public, State of Texas**

**RALPH SELLERS & ASSOCIATES**  
200 Bartlett, Suite 115 • El Paso, TX 79912  
915-581-1508 • Fax 585-2327

Curtis R. "Pete" Sellers, GAA, TX & NM St. Cert.  
Sharon Monsen, TX & NM St. Cert.  
Beverly Sellers, TX St. Cert.

September 9, 2004

Theresa Cullen-Garney  
Deputy City Attorney  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

Dear Ms. Cullen-Garney:

From our conversation, it is my understanding there was a possible miscalculation as to the City of El Paso's contribution to the Kimberly Heights project. Additionally, the actual costs are not the same as the cost estimate we were provided.

Therefore, what will be needed is for me to amend my previous study to reflect the changes. With this in mind, I anticipate it will take approximately four to six hours to amend the study. This amendment will reference the original study and will outline the reason for change and the effect of the changes. My hourly rate is \$135 per hour. If required my rate for public presentation is \$150 per hour.

Thank you in advance,

  
Curtis R. Sellers